

Tentative Rulings for October 19, 2020 Department S302

**To request oral argument, you must notify
Judicial Secretary Tiffany Uhls at (760) 904-5722 and
inform all other counsel no later than 4:30 p.m.**

This court follows California Rules of Court, Rule 3.1308 (a) (1) for tentative rulings (see Riverside Superior Court Local Rule 3316). Tentative Rulings for each law & motion matter are posted on the Internet by 3:00 p.m. on the court day immediately before the hearing at <http://www.riverside.courts.ca.gov/tentativerulings.shtml>. If you do not have Internet access, you may obtain the tentative ruling by telephone at (760) 904-5722.

To request oral argument, no later than 4:30 p.m. on the court day before the hearing you must (1) notify the judicial secretary for Department S302 at (760) 904-5722 and (2) inform all other parties of the request and of their need to appear telephonically, as stated below. If no request for oral argument is made by 4:30 p.m., the tentative ruling **will become the final ruling** on the matter effective the date of the hearing. **UNLESS OTHERWISE NOTED, THE PREVAILING PARTY IS TO GIVE NOTICE OF THE RULING.**

IN LIGHT OF THE CORONAVIRUS PANDEMIC; AND UNTIL FURTHER NOTICE, COUNSEL AND SELF-REPRESENTED PARTIES MUST APPEAR AT ANY LAW AND MOTION DEPARTMENT TELEPHONICALLY WHEN REQUESTING ORAL ARGUMENTS. **IN-PERSON APPEARANCES WILL NOT BE PERMITTED.**

TELEPHONIC APPEARANCES: On the day of the hearing, call into one of the below listed phone numbers, and input the meeting number (followed by #):

- Call-in Numbers: 1 (213) 306-3065 or 1 (844) 621-3956 (TOLL FREE)
- Meeting Number: **284-527-516#**
- Press **#** again

Please **MUTE** your phone until your case is called and it is your turn to speak. It is important to note that you must call fifteen (15) minutes prior to the scheduled hearing time to check in or there may be a delay in your case being heard.

For additional information and instructions on telephonic appearances, visit the court's website at <https://riverside.courts.ca.gov/PublicNotices/Webex-Appearances-Public-Access.pdf?rev=05-29-2020-09:54:48am>.

1.

MCC2001188	DESALVO VS GENERAL MOTORS	DEMURRER TO COMPLAINT OF TIMOTHY DESALVO BY GENERAL MOTORS LLC
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Tentative Ruling:

The Unopposed Demurrer is SUSTAINED for Failure to state sufficient facts. If Plaintiff wants leave to amend, a request for oral argument should be made. By not opposing the Demurrer, Plaintiff concedes the merits of the Demurrer.

2.

MCC2001188	DESALVO VS GENERAL MOTORS	MOTION TO STRIKE COMPLAINT OF TIMOTHY DESALVO BY GENERAL MOTORS LLC REPRESENTED BY ERSKINE LAW GROUP PC
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Tentative Ruling:

The unopposed Motion is GRANTED. If Plaintiff wants leave to amend, a request for oral argument should be made. By not opposing the Motion, Plaintiff concedes the merits of the Motion.

3.

MCC2001297	COUNTY OF RIVERSIDE VS XIONG	MOTION TO QUASH SERVICE OF SUMMONS ON COMPLAINT OF COUNTY OF RIVERSIDE BY XE XIONG REPRESENTED BY PRO/PER
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Tentative Ruling:

The Motion is DENIED.

Based on the proof of service, the registered process server made three attempts to personally serve Defendant before serving him via substitution of service. Since a registered process server served Defendant, the rebuttable presumption under Evidence Code § 647 applies. No evidence has been provided to dispute the process server's contention that he attempted to personally serve Defendant three times before serving him via substitution of service. Defendant admits that he was served via substitution at his residence. He does not dispute that he did not receive notice or that the individual who was served was a competent member of the household.